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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,473

12/12/2003

Munechika Okita

117489

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25944

7590

04/05/2006

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EXAMINER

LABBEES, EDNY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/733,473		OKITA ET AL.	
	Examiner		Art Unit	
	Edny Labbees		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Of Claims

1. In the response filed on 3/16/2006, claims 1-12 are currently pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the indication fashions" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuade et al. (US 6,362,734) further in view of Spoto et al. (US 6,278,358).

Regarding Claim 1, McQuade disclose *Method And Apparatus For Monitoring Seat Belt Use Of Rear Seat Passengers* that has the following claimed limitations:

Claimed detector is met by seat belt sensors (12 & 40); claimed use indicator is met by the seat belt status sensors (12) that may be buckle sensors that generate signals indicating when the seat belt is buckled. Applicant discloses the system indicates by displaying a glow. However, glow is another form of illumination. McQuade suggests the symbol (52) to be illuminating when the seatbelt is either fastened or unfastened, thus meeting on the claim of continuous glow (See Col. 6 Ins 33-44). What McQuade does not teach is a non-use indicator that indicates by displaying a glow that turns off after an amount of time. However Spoto *Secondary Seat Belt Warning System* teaches a secondary seat belt warning system (10) where the seat belt sensor (16) senses whether the seatbelt is unbuckled and transmits a signal indicative of the unbuckled seat activates a visible indicator (26) of the seat belt indicator (22) for approximately sixty seconds. Therefore, it would have been obvious to incorporate the teachings of Spoto into the system of McQuade to have the non-use indicator diffused after an amount of time to prevent the indicator from burning out. In addition, while Spoto and McQuade do not disclose an indication fashion related to display brightness. However, Examiner interprets that in regards to the systems McQuade and Spoto, when the non-use indication is not on, the brightness is zero and when the non-use indication is on, the brightness level is not zero.

Regarding Claim 2, claimed use indicator and non-use indicator formed by a single indicator device is met by the visual display (50) comprising of separate symbols (52) to indicate whether the seatbelts are fastened or unfastened (see Col. 6 Ins 33-40).

Regarding Claim 3, McQuade discloses all of the claimed limitations. Claimed indication fashions further relate to a display color is met by visual display (50) having separate symbols (52) to be illuminated in separate colors indicating the state of the seat belts (see Col. 6 lns 33-40).

Regarding Claim 4, claimed plurality of detectors, use indicators and non-use indicators provided for each plurality of seats is met by plurality of seats belt status sensors (12), plurality of symbols (52) on display (50) that indicates which seatbelt is fastened of unfastened (see Col. 6 lns 33-44).

Regarding Claim 5, claimed detector dependent on whether the tongue plate is engaged with a buckle position is met by the buckle sensors (12) detecting whether the seat belt latch plate (unlabeled) is fully inserted into the buckle (unlabeled) (see Col. 3 lns 1-5).

Regarding Claim 7, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 8, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 9, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 10, the claim is interpreted and rejected as claim 4 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claim 5 stated above.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuade and Spoto further in view of Slaughter (US 6,215,395).

Regarding Claim 6, McQuade and Spoto do not disclose the use of an LED to indicate whether the seatbelt is in use or not. However, it is well known in the art that LED technology provides low power consumption, long life and low heat production. Slaughter discloses *Apparatus And Method For Verifying Seatbelt Use In A Motor Vehicle* that teaches a system where the indicators (106x) that indicate the latch status of the seatbelt buckle (102x) use LED technology. Therefore, it would have been obvious to one of ordinary skill in the art to modify the systems of McQuade and Spoto to include the teachings of Slaughter because LED provides low power consumption and low heat production.

Regarding Claim 12, the claim is interpreted and rejected as claim 6 stated above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lary, *Seatbelt Usage Indicator*, (US 6,215,395)

Mutter et al. *Seat Belt Usage Indicating System*, (US 5,483,221)

Quantz, *Method And Apparatus For Detecting The Utilization...*(US 3,874,474)

Conigliaro et al. *Seat Belt Indicator System*, (US 4,849,733)

Lee, *SeatBelt Signal Light*, (US 6,774,781)

Conway, *SeatBelt Status Alerting Unit* (US 6,002,325)

Response to Arguments

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edny Labbees
3/23/06



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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